

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM Y. BUCHANAN,

Petitioner,

v.

Civ. No. 03-1231 JP/RHS

PATRICK SNEDEKER, Warden, et al.,

Respondents.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATIONS
GRANTING IN PART CLAIM ONE OF
PETITION FOR WRIT OF HABEAS CORPUS**

On May 15, 2008 the United States Magistrate Judge Robert H. Scott filed Proposed Findings and Recommendations of the Magistrate Judge Regarding Harmless Error (“PFRD”) (Doc. No. 79). The parties’ filed objections to the PFRD (Doc. Nos. 80, 81, 84, 85) (the “Objections”). The Court has carefully considered the parties’ submissions and has made a *de novo* determination of those portions of the Magistrate Judge’s PFRD to which the parties objected. The Court will overrule the Objections, will adopt the PFRD and will grant in part the Petitioner’s petition for writ of habeas corpus as to Claim One with respect to his convictions of first degree murder and conspiracy to commit first degree murder in case No. CR-97-158 in the Sixth Judicial District Court, Grant County, New Mexico.

THEREFORE, IT IS ORDERED that the Proposed Findings and Recommendations of the Magistrate Judge Regarding Harmless Error (Doc. No. 79) are adopted by the Court.

IT IS FURTHER ORDERED that Petitioner William Y. Buchanan's petition for writ of *habeas corpus* is granted in part as to Claim One of his petition with respect to his convictions of first degree murder and conspiracy to commit first degree murder in case No. CR-97-158 in the Sixth Judicial District Court, Grant County, New Mexico, and Petitioner's convictions in Case No. CR-97-158 of first degree murder and conspiracy to commit first degree murder are vacated.



James A. Parker
SENIOR UNITED STATES DISTRICT JUDGE